

REMARKS

Claims 1-22 are currently pending in the application. New claim 22 has been added.

On page 2 of the Office Action, the Examiner rejected "[c]claims 1-45" under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. On page 3 of the Office Action, the Examiner stated that, "claims 1-42. . . recite the steps of collecting/analyzing data and predicting business events based on data collected/analyzed."

Applicants respectfully submit that there are only twenty-two claims in the current application. Moreover, as none of the claims of the present invention recite "collecting/analyzing" operations, Applicants respectfully submit that it appears that the rejection was inadvertently and incorrectly applied to the present claims. Therefore, Applicants respectfully request withdrawal of the rejection.

Claims 1 and 42 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. On page 4 of the Office Action, the Examiner stated that claims 1 and 42 recite the term "auto discovery analysis."

Applicants respectfully submit that there are only twenty-two claims in the current application. Moreover, as none of the claims include the term "auto discovery analysis," Applicants respectfully submit that it appears that the rejection was inadvertently and incorrectly applied to the present claims. Therefore, Applicants respectfully request withdrawal of the rejection.

Applicants respectfully request withdrawal of the rejection pertaining to claims 39-41 and 43-45, as the present application only has twenty-two claims, and the rejection is obviously not directed to any of the claims of the present application.

Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6427140 (Ginter).

Applicants respectfully submit that independent claims 1, 9-13, 17, and 19-21 are patentable over Ginter, as Ginter fails to disclose each and every element of the claims of the present invention.

For example, Ginter fails to disclose "a controller discriminating between the secure task and the normal task, and storing the encrypted code in the secure memory and the code of the

normal task in the normal memory responsive to the discrimination," as recited in independent claim 1, for example.

On page 10 of the Office Action, the Examiner indicated that he is taking Official Notice that "using a normal memory for normal tasks and a secure memory for secure tasks (memory allocation) is common knowledge in the art." Applicants respectfully submit that the Examiner has inappropriately oversimplified Applicants' invention.

According to the present invention, a secure memory stores encrypted code of a secure task, and a normal memory stores a code of a normal task. A controller discriminates between the secure task and the normal task and stores the encrypted code in the secure memory and the code of the normal task in the normal memory responsive to the discrimination.

On page 10 of the Office Action, the Examiner cited U.S. Patent No. 5,734,822 (Houha) as supporting the Examiner's conclusion of Official Notice.

In contrast to the present invention, the section of Houha cited by the Examiner simply discloses designating (allocating) two memory portions, that is, a first portion in a protected section of memory and a second portion in an unprotected section of memory. See Houha, column 15, lines 15-25. In contrast to the present invention, Houha is silent regarding the disclosure of a controller that discriminates between secure task and normal task and storing code accordingly, in response to the discrimination. In fact, the reference does not provide information regarding tasks, much less secure task and normal task. Rather, Houha simply discloses protected sections of *memory* and unprotected sections of *memory*. Therefore, Houha fails to disclose the controller of the present invention.

Regarding U.S. Patent No. 6,081,876 (Brewer), which was also cited by the Examiner as allegedly providing support for the Examiner's taking of Official Notice, Applicants respectfully submit that the reference simply discloses protected memory and unprotected memory. In contrast to the present invention, no information is provided regarding the disclosure of "a controller" discriminating between secure tasks and normal tasks. In fact, Brewer is silent regarding the disclosure of tasks, much less secure tasks and normal tasks.

Regarding U.S. Patent No. 651,162, which was also cited by the Examiner on page 10 of the Office Action, Applicants respectfully submit that the patent number appears to be incorrect. Applicants respectfully request that the Examiner identify the correct patent number.

Further, Applicants respectfully submit that the Examiner incorrectly uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the discriminating operation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, the operation is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Applicants respectfully submit that new claim 22 is patentable over the reference, as the references fails to disclose, "discriminating between the secure task and the normal task, and storing the encrypted code in a secure memory and the code of the normal task in a normal memory responsive to the discrimination," as recited in claim 22.

In contrast to the present invention, as defined by claim 22, Applicants respectfully submit that Ginter clearly states that non-secure and secure Host-Processing Environments (HPE's) may operate together. See Ginter, column 80, lines 18-19. Therefore, claim 22 is patentable over the reference.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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